

Moreover, the parties jointly request that the scheduling order entered by the Court on November 8, 2017, [Dkt. #22], be withdrawn pending the resolution of Defendants' Motion to

Dismiss, in which Defendants anticipate raising qualified immunity as a defense. The parties also request that all pretrial obligations be deferred until such time, and that a new scheduling order be issued after resolution of the Motion to Dismiss, if necessary. In that regard, the Defendants wish to refer the Court to *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) (“Unless the plaintiff’s allegations state a claim of a violation of clearly established law, the defendant is entitled to qualified immunity before the commencement of discovery.”). Defendants reserve the right to seek a further deferral of pretrial obligations pending any appeal..

A proposed order is attached.

Dated: November 16, 2017

Respectfully submitted,

By: \_\_\_\_\_/s//\_\_\_\_\_

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 16, 2017, I uploaded the foregoing document, as well as all attachments thereto, to this court's CM/ECF System, which caused a Notice of Electronic Filing (NEF) to be sent to:

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